REMARKS

Claims 1-14 are pending in the present application. Claim 1 has been amended and Claim 14 has been added in this response. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-2, 5-7 and 10-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al., US 20040117831 (hereinafter "Ellis") in view of Menard et al., US 6,810,526 (hereinafter "Menard").

Claims 3-4 and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis and Menard in view of O'Callaghan et al., US 5,594,492, (hereinafter "O'Callaghan").

These rejections are respectfully traversed.

The present invention as in claim 1 includes a program content analyzing/retrieving system which receives and analyzes a broadcasted program content, generates program information to be stored independently from the broadcasted program content on a program content basis, and provides independently from the broadcasted program content the generated and stored program information on a program content which meets a search condition for a user terminal in response to a search request of program information on a desired program content sent from the user terminal. The generated and stored program information includes attribute information associated with a video component and an audio component of the program content.

As discussed in the previously filed response, the applied prior art does not disclose or suggest the claimed features above. The Examiner correctly admits that Ellis does not disclose storing and providing extracted program information independently from the broadcasted program content as claimed. See lines 19-21, page 5 of the Office Action. As such, Ellis cannot and does not disclose that the stored program information includes attribute information associated with a video component and an audio component of the program content as claimed.

However, the Examiner alleges that Menard makes up for the above-noted deficiency of Ellis. Specifically, the Examiner asserts that Menard discloses generating/producing the closed caption stream as program information from program content received, the closed caption stream

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corresponding to attribute information associated with a video component and an audio component. While Applicants disagree with the Examiner's mischaracterization of the applied prior art in an effort to satisfy the claimed features, independent claim 1 has been amended for clarification.

Independent claim 1 as amended recites, *inter alia*,

> provides independently from the broadcasted program content the generated and stored program information on a program content which meets a search condition for the user terminal in response to a search request of program information on a desired program content sent from the user terminal, said generated and stored program information including attribute information associated with a video component and an audio component of the program content; and
>
> **said attribute information associated with the audio component of the program content includes information of at least one of sampling frequency, an encoding method, an encoding bit rate, and an encoding mode.**

Even assuming, *arguendo*, the closed caption information in Menard corresponds to attribute information associated with a video component and an audio component as asserted by the Examiner, the closed caption information in Menard is NOT information of at least one of sampling frequency, an encoding method, an encoding bit rate, and an encoding mode as claimed. Thus, Menard fails to disclose or suggest at least providing independently from the broadcasted program content the generated and stored program information including attribute information, which **includes information of at least one of sampling frequency, an encoding method, an encoding bit rate, and an encoding mode** as claimed. As such, Menard does not make up for at least the deficiency of Ellis.

In view of the above amendments and remarks with respect to claim 1, it is respectfully submitted that the asserted combination of Ellis and Menard (assuming they can be combined, which Applicants do not admit) fails to establish *prima facie* obviousness. O'Callaghan has not been, and indeed cannot be, relied upon to make up for at least the deficiency of Ellis and Menard. As claims 2-13 depend from claim 1, it is respectfully submitted that these claims are

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also patentable for at least their dependency. Thus, it is respectfully requested that the rejections of claims 1-13 under 35 U.S.C. § 103(a) be withdrawn.

New Claim 14

Newly added claim 14 depends from claim 1, it is respectfully submitted that claim 14 is patentable for at least its dependency.


<div align="center">

CONCLUSION

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In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Dennis P. Chen Reg. No. 61,767 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: February 12, 2010   Respectfully submitted,
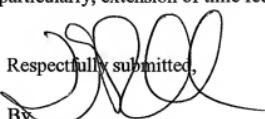
                                              By
                                              D. Richard Anderson
                                              Registration No.: 40,439
                                              BIRCH, STEWART, KOLASCH & BIRCH, LLP
                                              8110 Gatehouse Road
                                              Suite 100 East
                                              P.O. Box 747
                                              Falls Church, Virginia 22040-0747
                                              (703) 205-8000
                                              Attorney for Applicant

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